

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MARC M., ¹)	
)	
Plaintiff,)	
)	
v.)	1:18-cv-02693-RLY-DML
)	
ANDREW M. SAUL, Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

**ORDER ON THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION**


Plaintiff Marc M. suffers from morbid obesity, osteoarthritis of the bilateral knees, and multilevel lumbar spondylosis. On August 30, 2018, he filed a request for judicial review of the final decision of Defendant Andrew M. Saul, Commissioner of the Social Security Administration denying Plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. § 1381 *et seq.* The court referred the matter to the Magistrate Judge, who issued her Report and Recommendation. The Magistrate Judge concluded that the ALJ's decision was supported by substantial evidence, and therefore recommended that the decision denying

¹ To protect privacy interests of claimants for Social Security benefits and consistent with a recommendation of the Court Administration and Case Management Committee of the Administrative Office of the United States Courts, the Southern District of Indiana has chosen to use only the first name and last initial of non-governmental parties in its Social Security judicial review opinions.

benefits be upheld. Plaintiff timely filed his Objections to the Magistrate Judge's Report and Recommendation, claiming the Magistrate Judge erred in two ways. First, she erred in finding the ALJ's analysis of step three concerning whether Listing 1.02A (major dysfunction of a joint) or 1.04 (disorders of the spine) were met or equaled was adequate and supported by substantial evidence. Second, she erred in finding that his residual function capacity determination was supported by substantial evidence.

The court, having read and reviewed the parties' submissions and the applicable law, finds the Magistrate Judge did not err. Accordingly, Plaintiff's Objections (Filing No. 16) are **OVERRULED** and the court **ADOPTS** the Magistrate Judge's Report and Recommendation.

SO ORDERED this 30th day of September 2019.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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